

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

DANIEL L. ROCKWELL, et. al.,

Plaintiffs,

v.

DETECTIVE CLYDE RAWLINS, *et al.*,

Defendants

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Civil Action No.: RDB-13-3049

DEFENDANT RAWLINS' PRETRIAL STATEMENT

A. DEFENDANTS' BRIEF STATEMENT OF FACTS AND LEGAL THEORIES

On February 8, 2011, at approximately 8:00 a.m., Defendant Detective Clyde Rawlins, Detective Richard Manning, Department of Juvenile Services Officer Leo Zilka, and school police Officer Rodney Coffield responded to 4425 Wrenwood Avenue in order to serve a juvenile arrest warrant on the Plaintiff, Daniel Rockwell.

The warrant had been issued because the Plaintiff Rockwell violated his community detention for a prior charge of carrying a concealed handgun. Detective Manning and Defendant Rawlins were met at the front door by Plaintiff Demtria Holden, Rockwell's mother. Plaintiff Holden advised the officers that Plaintiff Rockwell was upstairs. Seconds later, Officer Zilka advised that Plaintiff Rockwell was climbing out of the second story window onto the front porch overhang.

Defendant Rawlins quickly ran upstairs to the second floor front room and observed Plaintiff Rockwell exiting the window onto the porch overhand. Detective Manning, Officer Coffield and Defendant Rawlins all pleaded with Plaintiff Rockwell to come back inside the

window. Plaintiff Rockwell responded by shouting, “Fuck you, I’m not going back to bookings today,” and he continued to run across the porch overhang. Defendant attempted to climb onto the overhang. Plaintiff Rockwell began pacing the overhang, and due to the wrap around style porch overhang around the oriel window, Defendant momentarily lost sight of Plaintiff Rockwell.

When Plaintiff Rockwell reappeared he approached Defendant in a rapid and unstable manner and Defendant did not believe he would be able to retract back inside the window fast enough to get out of the path of Plaintiff Rockwell. Defendant ordered Plaintiff Rockwell to expose his hands and Plaintiff Rockwell failed to comply, while continuing to advance towards Defendant. Plaintiff Rockwell reached his hands toward his waistband, appearing to manipulate an object. Based on the source of the original warrant, Rockwell’s unpredictable behavior, and unknown intentions, Defendant feared that Mr. Rockwell may be reaching for a weapon, feared for his life and tased Plaintiff Rockwell in his upper torso area to stop his aggressive advance towards Defendant.

Plaintiff Rockwell fell from the porch overhang, and Defendant immediately responded to render aid to Plaintiff Rockwell. An ambulance was called, and Plaintiff Rockwell was taken to Johns Hopkins Hospital.

B. SIMILAR STATEMENTS AS TO ANY COUNTERCLAIM, CROSSCLAIM, OR THIRD-PARTY CLAIM.

None.

C. AMENDMENTS REQUIRED OF THE PLEADINGS

None.

D. ANY ISSUE IN THE PLEADINGS THAT IS TO BE ABANDONED

None.

E. STIPULATIONS OF FACT AND/OR REQUESTED STIPULATIONS OF FACT
None.

F. DETAILS OF DAMAGES CLAIMED AND/OR ANY OTHER RELIEF SOUGHT

The relief requested in the Plaintiffs' Complaint consists of compensatory damages in an amount exceeding seventy-five thousand dollars, punitive damages in an amount exceeding seventy-five thousand dollars, interests and costs, attorney's fees, experts' fees, and such other relief that the nature of their cause requires. Recently, Plaintiff requested \$150,000 to settle the case.

I. NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH FACT WITNESS
THAT SHALL BE PRESENT

Detective Clyde Rawlins
242 W. 29th Street
Baltimore, Maryland 21211
(410) 396-2525

Detective Richard Manning
242 W. 29th Street
Baltimore, Maryland 21211
(410) 396-2525

Officer Leo Zilka
242 W. 29th Street
Baltimore, Maryland 21211
(410) 396-2525

Officer Rodney Cofield
702 Cold Bottom Road
Sparks, Maryland 21152
(410) 814-9869

J. NAME AND SPECIALTIES OF EXPERTS EXPECTED TO BE CALLED AS
WITNESSES

Charles J. Key, Sr. – Expert in Standards of Police Practices, Police Investigation, Police Policies, and Police Training.

Detective Clyde Rawlins – fact/expert hybrid

Detective Richard Manning – fact/expert hybrid

K. A LIST OF THE PAGES AND/OR LINES OF ANY PORTION OF A DEPOSITION
TO BE OFFERED IN A PARTY’S CASE IN CHIEF

Based on the currently known availability of witnesses and case status, Defendant does not intend to read into the record deposition portions in his case in chief. Defendant reserves the right to use depositions as impeachment.

L. ANY OTHER PRETRIAL RELIEF

Defendant will submit a Motion in Limine to preclude the Plaintiff from referencing or suggesting alternative actions that Defendant could have taken during this incident.

M. ANY OTHER MATTERS ADDED BY THE COURT

None.

Respectfully submitted,

/s/
Michael Marshall

/s/
Chaz Ball
Schlachman, Belsky & Weiner, P.A.
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Baltimore, Maryland 21202
(410) 685-2022
Attorneys for Defendant Rawlins